

BEATTY'S LEGAL OPINION.

As there has been some criticism among lawyers as well as the legislators regarding Attorney General Beatty's legal opinion relating to the right of members to draw extra pay, the APPEAL reprints the decision.

It was printed on Sunday last, but the rush of work in the composing room on the last night of the session, it resulted in many errors, which, although small from a typographical standpoint, make the opinion very inconsistent from a legal standpoint. Out of justice to Mr. Beatty, we report the opinion correctly, as we can imagine no greater annoyance to a lawyer, than to have his legal opinions murdered unmercifully by sleepy types, who are nodding over their work at 3:30 in the morning, as they were doing when they first set up General Beatty's opinion.

The following is the opinion as filed with the State Controller:

The question embraces two distinct propositions, each wholly controlled by a different section of the same Article of the Constitution of the State of Nevada, and must be considered accordingly. Thus divided, the matter presents, 1st: Are the officers and employees of the Legislature of Nevada, at its seventeenth session, entitled to compensation for their services rendered as such after the fiftieth day of said session? This necessitates the construction and interpretation of Sec. 28, Art. IV. of said Constitution in the light of existing Statutes.

There was, and is no law limiting their salary or compensation, except as to the same amount per day, of each, and that as fixed by Act of Jan. 31, 1893, stat. 1893, p. 130, and in force at the time of their election or appointment. They were all elected or appointed for the whole of the session, and an extension by law of the term of such session cannot effect them. Therefore, they are entitled to full pay, and if the legislative appropriation for said session is sufficient, I hereby advise the State Controller to draw his warrant for the payment of and the State Treasurer to pay each of them the sums to which he or she may be entitled.

2nd. Are the Senators and members of the Assembly entitled to compensation for services rendered by them as such, subsequent to the fiftieth day of said session?

This involves a construction and interpretation of Sec. 33, Art. IV. of said Constitution and the Statute laws relating to the subject, in force at the time of the election of said Senators and members of the Assembly, and those since enacted. By this section "the members of the Legislature shall receive for their services a compensation, to be fixed by law, but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected." The said session had been fixed by law at fifty days duration, but by repeal, this time was extended. The compensation of members had been fixed at eight dollars per day, Stat. Nev. 1893, p. 73, approved March 2, 1893, and was in force at the time of the election of the present members, except "hold-over" Senators, the compensation of Senators and members of the Assembly, was limited to a maximum of four hundred dollars and mileage for each regular session. I therefore advise you, that by no possible legal process could the compensation of members for the present session be "increased" to any sum in excess of \$400 for each Senator or member of the Assembly.

The State Controller should therefore refuse to draw any warrant in favor of any Senator or member of the Assembly for any sum or amount in excess of a total of \$400.00 for all of the services rendered by him as a member of the Legislature during the seventeenth regular session of said legislature. And it necessarily follows that the State Treasurer could not legally pay any sum or amount so in excess. If either of said State officers disregards this advice, he will lay himself and his official bondsmen legally liable to the State for any sum or amount paid contrary to such advice.

I have the honor to be very respectfully yours,

ROBT. M. BEATTY,
Atty. Genl. of Nevada.

T. C. Crawford writes a very able article on "Cleveland—His Rise and Fall," for the New York Sun. In discussing the recent infamous bond transaction, he says:

No one in Washington, however bitter partisan, ventures to suggest that either the President or his Secretary of the Treasury were in any way benefited by the extraordinary contract which they made with Messrs. Morgan

and Belmont. The contract itself was the logical and natural result of amateurs sitting down to work with distinguished experts. In this financial game mere children were pitted against giants. At no period in the history of the negotiations, of our bonds have such hard terms been wrung from the government. No one here who is at all familiar with the financial history of the Treasury, would concede for a moment that there was any necessity for the granting of such terms.

The Bee has heretofore declared that Cleveland, in his bond transaction, showed himself to be either a scoundrel or a fool. Crawford, than whom there is no man more capable of judging, admits that the president was and is a fool.—Sacramento Bee.

Who made a ten strike by sending to the Legislature, two men who had been there before. The Ormsby delegation worked conscientiously for the county, and did everything in their power, but they were handicapped by being new men. Mills in the Senate was hypnotized by Summerfield during most of the session. Had Logan been in the Senate, and Folsom in the House, Ormsby would be largely ahead today. It always pays to have men in the Legislature who have been there before.

The Standard Bred Trotting Stallion, Waterford.

Race record, seventh heat, 2:24; trial 2:18; registered number 10,165. Will make the season of 1895, commencing March 7th and ending July 1st, at Carson Race Track.

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Pedigree: Waterford was sired by Abbottsford, record 2:19, sire of She 2:13; Nutford, 2:14; Corde, 2:19; Free Coinage, 2:20, and 14 others with records better than 2:30. Waterford's first dam Softly by Speculation 925. Sire of Oakland Maid 2:22; Gracie S, 2:21; Crown Point, 2:24, and many others. Speculation by Hambletonian, 10. Sire of Dexter, 2:14, etc; 2nd dam, Lady Softly by Lexington; 3rd dam by Gray Eagle, 4th dam by Glencoe. Waterford is the sire of El Pastore, 2-year-old, record 2:28, and six others that have trotted in 2:30 and better; also sire of Stella B, yearling, record 2:38.

Description: Waterford is a handsome bay, black points; stands 15½ hands. In conformation, disposition and action he is perfect, and he has proven himself to be as game a trotter as ever stood on iron. For further particulars apply to

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